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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,557	07/08/2003	Saturo Yamada	JP919970025US2(RE) (8728-	8603
46069	7590	06/05/2007	EXAMINER	
F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			KUMAR, SRILAKSHMI K	
			ART UNIT	PAPER NUMBER
			2629	
			MAIL DATE	DELIVERY MODE
			06/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/615,557

Applicant(s)

YAMADA ET AL.

Examiner

Srilakshmi K. Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 and 14 is/are allowed.
- 6) ☒ Claim(s) 9-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

The following is in response to the request for reconsideration filed on July 8, 2005. Claims 1-16 are pending. Claims 1-8 are original to the application and have been previously issued and published. Claims 9-16 are presented in this reissue application. Claims 15 and 16 are newly added.

#### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 9-13, 15 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With respect to independent claims 9 and 13, applicant recites the limitation "to scroll within a displayed window by manipulation of the lever input device when a third of the three buttons is depressed" is not supported by the specification. While this rejection was previously withdrawn, after further review of the cited passages of the specification (col. 12, lines 22-43, col. 14, line 56-col. 15, line 27) by the applicant in the response dated September 28, 2004, Examiner believes these cited passages do not teach one of ordinary skill in the art to reasonably conclude that when a third of the three buttons is depressed there is manipulation of the lever input device. The specification teaches where when the third button is depressed, scrolling takes

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place within the displayed window. With respect to claims 10-12, 15 and 16, these claims are also rejected under 35 USC 112, first paragraph as they depend upon a rejected base claim.

As these claims have been amended to include the objected to subject matter of claims 15 and 16, they would be allowable if the 35 USC 112, first paragraph rejection is overcome.

***Response to Arguments***

3. Applicant's arguments filed April 19, 2007 have been fully considered but they are not persuasive.

With respect to applicant's arguments in regards to the 35 USC 112, first paragraph rejection of claims 9-13, Applicant argues where the claims do not claim a manipulation of the lever due to the depression of a third or middle button, but rather that a scroll function is operated by manipulation of the lever input device when the third or middle button is depressed. Examiner, respectfully, disagrees. In claims 9 and 13, applicant claims "to scroll within a displayed window by manipulation of the lever input device when a third of the three buttons is depressed" or "to scroll within a displayed window by manipulation of the lever input device when a middle of the three buttons is depressed". The claim language of "by manipulation of the lever input device" suggests that by depressing the third or middle button, the lever input device is manipulated. This suggestion is not supported by the specification in such a way that one of ordinary skill in the art to reasonably conclude that when a third or middle of the three buttons is depressed there is manipulation of the lever input device. As applicant has pointed out in the response to arguments that when a third or middle button is depressed, scrolling takes place in the display window, Examiner suggests the applicant revise the claim language to reflect this limitation and remove an ambiguity with respect to the current claim language.

As applicant has included the allowable subject matter of claims 15 and 16 into claims 9 and 13, claims 9-13 would be allowable if the 35 USC 112, first paragraph rejection is overcome.

*Allowable Subject Matter*

4. Claims 1-8 and 14-16 are allowed.
5. The following is an examiner's statement of reasons for allowance:

With respect to claims 1, 3, 7, 8 and 14, the prior art of record does not disclose an information apparatus having a mouse cursor display function, where the scrolling speed display means for displaying a number of speed indicators during scrolling, the number of displayed speed indicators corresponding to a relative scrolling speed set by said pointing device while scrolling data on said display screen and arranging the speed indicators in a scrolling direction relative to a center of said mouse cursor.

Applicant illustrates in Fig. 6c, the state where the number of displayed speed indicators is changed step by step. The overall scroll period increases, and the scroll speed increases from low to middle to high speed in the downward, upward, left and right directions relative to the initial centrally located display, and where the number of speed indicators is increased to one, to two and to three. Also, as applicant indicates in the specification, while all four directions are shown in Fig. 6c, only the speed indicator corresponding to the current scrolling direction (and in a quantity corresponding to the scrolling speed) will actually appear on the desktop. This embodiment is shown in Fig. 7.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 571 272 7769. The examiner can normally be reached on 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sue Lefkowitz can be reached on 571 272 3638. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Srilakshmi K Kumar  
Examiner  
Art Unit 2629

SKK  
May 29, 2007

  
SUMATI LEFKOWITZ  
SUPERVISORY PATENT EXAMINER